THE HON'BLE SRI JUSTICE L. NARASIMHA REDDY

WRIT PETITION No. 26466 of 2005

DATED: 12.12.2005

Between:

M.Noor Khan.

… PETITIONER

AND

The Regional Manager and others.

… RESPONDENTS

ORDER:

The petitioner assails the order, dated 11.02.2004, passed by the 2nd respondent, imposing the punishment of withholding of annual increments with cumulative effect, and directing that the period of suspension shall be treated as 'not on duty'.

The learned counsel for the petitioner had urged several contentions. The learned Standing Counsel for the respondents, however, submits that the petitioner had an alternative remedy by way of appeal.

The punishment referred to above has been imposed against the petitioner, after conducting the departmental enquiry. It is true that there are several instances, where this Court had set aside such punishments, if they were imposed without conducting enquiry. Once it has emerged that the enquiry is conducted, the petitioner has to avail the remedy of appeal before the Divisional Manager.

Accordingly, the Writ Petition is disposed of, leaving it open to the petitioner to avail the remedy of appeal before the Divisional Manager. Further, it is directed that in case, the petitioner prefers appeal within a period of four (4) weeks from today, it shall be treated as having been filed within the period of limitation. There shall be no order as to costs.

_____

12.12.2005

Jsu